

UNITED STATES DISTRICT COURT

for the
District of ArizonaD-38
8/14/17
United States of America)

v.)

Jesus Noel Auz-Soto,
a.k.a.: Jesus Joel Auz-Soto,
(A087 765 151))Defendant)

Case No. 17-6308MS

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of August 13, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Jesus Noel Auz-Soto, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about November 12, 2013, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1). I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated By Reference Herein

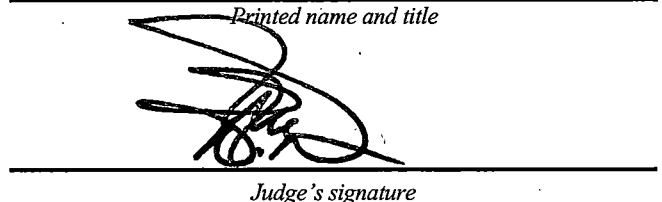
CEB

REVIEWED BY: Charles E. Bailey, P.S. for SAUSA Brett Day

☒ Continued on the attached sheet.

Complainant's signature
Darrin J. McNeill,
Deportation OfficerPrinted name and title

Sworn to before me and signed in my presence.

Date: August 15, 2017

Judge's signature
City and state: Phoenix, ArizonaDavid K. Duncan,
United States Magistrate Judge
Printed name and title

STATEMENT OF PROBABLE CAUSE

I, Darrin J. McNeill, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On August 13, 2017, Jesus Noel Auz-Soto was arrested by the Phoenix Police Department and booked into the Maricopa County Jail (MCJ) on local charges. While incarcerated at the MCJ, Auz-Soto was examined by ICE Officer M. Averill who determined Auz-Soto to be a citizen of Mexico, illegally present in the United States. On the same date, an immigration detainer was lodged with the county jail. On August 14, 2017, Auz-Soto was released from MCJ and transported to the Phoenix ICE office for further investigation and processing. Auz-Soto was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Jesus Noel Auz-Soto to be a citizen of Mexico and a previously deported criminal alien. Auz-Soto was removed from the United States to Mexico at or near Nogales, Arizona, on or about November 12, 2013,

pursuant to the reinstatement of an order of removal issued by an immigration judge. There is no record of Auz-Soto in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Auz-Soto's immigration history was matched to him by electronic fingerprint comparison.

4. Criminal history checks revealed that Jesus Noel Auz-Soto was convicted of Misconduct Involving Weapons, a felony offense, on November 14, 2011, in the Superior Court of Arizona, Maricopa County. Auz-Soto was sentenced to one and one half (1.5) years' incarceration. Auz-Soto's criminal history was matched to him by electronic fingerprint comparison.
5. On August 14, 2017, Jesus Noel Auz-Soto was advised of his constitutional rights. Auz-Soto freely and willingly acknowledged his rights and declined to make any further statements.
6. For these reasons, this affiant submits that there is probable cause to believe that on or about August 13, 2017, Jesus Noel Auz-Soto, an alien, was found in the United States of America, at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about November 12, 2013, and not having obtained

the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1).



Darrin J. McNeill,
Deportation Officer,
Immigration and Customs Enforcement

Sworn to and subscribed before me
this 15th day of August, 2017.



David K. Duncan,
United States Magistrate Judge